

### REMARKS

This paper responds to the Office communication dated December 1, 2010, in which the Office indicates that a previously-filed response (submitted on December 5, 2005) is not fully responsive. In particular, the Office communication of December 1, 2010 identifies a discrepancy in Applicants' previously-filed response (submitted November 30, 2005) with respect to the claim status identifiers for claims 11-16 shown in the listing of claims, and the text of the Remarks section of the Response.

Applicants have reviewed the prosecution history of the present matter, and determined that an error occurred in the identification of pending claims elected in the Response to Restriction Requirement submitted on June 20, 2005. In that submission, Applicants elected Group I, including claims 1-11, 17, 29-33 and 35-46, without traverse, and canceled Group II, including claims 12-15<sup>1</sup> and 47. However, due to an oversight, in the listing of claims, claims 12-15 were not shown as canceled with proper claim status identifiers. This mistake seems to have carried over to the Response that was mailed on November 30, 2005, which incorrectly identified claims 12-16 as "previously presented" when in fact those claims should have been identified as "canceled."

Applicants are hereby confirming the original election of Group I, claims 1-11, 17, 29-33 and acknowledging a mistake made in the presentation of improper claim status identifiers in the Responses submitted on June 20, 2005, and again on November 30, 2005. Moreover, Applicants would like to point out that a Response to Notice of Non-Compliant Amendment was previously submitted on March 29, 2006. In that submission, the correct claim status identifiers for the original submission of November 30, 2005 were presented. To avoid any further confusion, Applicants are not including a listing of the claims herewith.

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<sup>1</sup> It appears that the original Groups of claims presented by the Examiner in the Restriction Requirement inadvertently left claim 16 out of Group II.

**CONCLUSION**

The Examiner is invited to telephone the undersigned at (408) 660-2014 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 1/3/2011

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3<sup>rd</sup> day of January, 2011.

Dawn R. Shaw

Name

/Dawn R. Shaw/

Signature